

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND : NO.: 1:13-md-02419(FDS)
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION : July 3, 2013

AFFIDAVIT OF ROBERT KAISER

I, Robert Kaiser do hereby depose and swear:

- 1) I am over the age of eighteen (18) and understand the obligations of an oath.
- 2) I am President of Liberty Industries, Inc., a business located in East Berlin, Connecticut.
- 3) Liberty Industries, Inc. designs, manufactures and installs clean room environments in a variety of settings which require such conditions for both work and research.
- 4) Beginning in 2005, Liberty Industries, Inc. contracted with New England Compounding Center and/or Ameridose, LLC for the construction and installation of three (3) different clean room environment projects.
- 5) The clean rooms worked on by Liberty were designed and constructed in accordance with the International Organization for Standardization ("ISO") or Federal Standard 209E as requested by NECC and/or Ameridose
- 6) Upon completion, all clean rooms were certified by an independent testing laboratory as compliant with the requested standards.

7) Liberty Industries, Inc., its agents and employees have no knowledge as to the maintenance, repair and use of the clean room environments it designed and constructed after certification was completed.

8) Liberty has gathered all documents relating to the three projects. The identified documents are in binders and various cardboard boxes and consist of approximately 5000 pages. In addition, approximately 250 D-size engineering drawings must be copied. The total cost of copying all of these materials has been quoted at approximately \$ 2900.00.

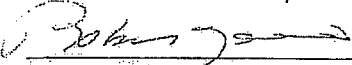
9) Over 230 photos of Room 19822/10 and Room 23875/10 taken by Liberty during construction have been identified. Photos of Room 35259/10 cannot be located. Finally, over 1300 emails must be transferred to a pst--file.

10) Liberty employs 23 people. Of those, only 3 are engineers with the technical expertise required to review and identify documents containing commercially confidential information or trade secrets. It is estimated that this task will require at least 100 hours on the part of these individuals.

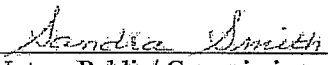
11) Alternatively, Liberty's sole administrative assistant will have to devote approximately 40-50 hours stamping every single document as confidential.

12) To date, Liberty has incurred over \$5000 in legal fees, including the costs associated with preparation of this motion.

13) While Liberty designed the clean rooms to meet the design criteria as specified by NECP/Ameridose, the scope of Liberty's construction work consisted of just installation of clean room walls, ceilings, lights and ceiling mounted HEPA filters. The flooring, electrical work and the HVAC air handling system required to remove contaminating particulates were designed and installed by other contractors selected by NECP/Ameridose.


Robert Kaiser

Subscribed and sworn to me this 3rd day of July, 2013.


Notary Public/ Commissioner of
the Superior Court 1/31/2015